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MR. SPEAKER :—" The question is—

' That the Mettur Canal Irrigation Cess Bill, 1953, be passed into law.' "

The motion was put and carried and the Bill was passed into law.

(4) THE MADRAS TENANTS AND RYOTS PROTECTION (AMENDMENT) BILL, 1953.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Mr. Speaker, Sir, I beg to introduce the Madras Tenants and Ryots Protection (Amendment) Bill[a], 1953, and move—

' *That the Bill be taken into consideration at once.*'

Sir, the object of the Bill is to extend the protection afforded to the ryots for another one year. The original Act giving protection to the ryots had been extended once or twice before and now it expires in October 1953. We want the sanction of the Legislature to extend it by one more year, namely, up to October 1954. Sir, the point is this. Certain estates have not yet been taken over and there are certain other estates which are under stay. Therefore, if the Act expired now, the ryots will be put to great difficulties since the estate holders or inamdars may launch eviction proceedings. So, in order to protect the ryots from such eviction proceedings, the Government propose to extend the Act for a further period of one year."

SRI PILLALAMARRI VENKATESWARLU :—" Sir, I would like to know how many estates have yet to be taken over."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" I cannot give the exact number. I can only say that there are some estates yet to be taken over."

" SRI V. R. KRISHNA AYYAR :—" Mr. Speaker, Sir, the Hon. Minister when moving this extending bill referred to the question of some estates not yet having been taken over. But then I wish to remind the Hon. Minister in charge of this particular bill that in the operation of the Madras Tenants and Ryots Protection Act, as it is, there is some difficulty experienced by the ryots or tenants under the Malabar Tenancy Act. This Act applies not merely to estates but also to eviction suits and suits for sale of holdings under the Malabar Tenancy Act. Unfortunately, the Madras Tenants and Ryots Protection Act copies for its definitions certain expressions which have already been defined in the Malabar Tenancy Act. For instance, I may say that the definition of ' tenant ' in the Tenants and Ryots Protection Act is exactly the same as in the Malabar Tenancy Act. Experience has shown that a person who is actually cultivating is oftentimes not a tenant within the meaning of the Malabar Tenancy Act but a sub-tenant. He might be holding under an othidar or under holders of other tenures, those tenures having the complication of mortgages also.

[a] Published in the *Fort St. George Gazette*, dated 15th July 1953.

Very recently the Madras High Court held that a suit for eviction where relief is claimed under the Tenants and Ryots Protection Act, means a suit for eviction of a tenant and that since a mortgagee is not a tenant, the sub-tenant under such a mortgagee in possession or othidar does not get protection whatever because it is not a suit for eviction. These anomalies will have to be gone into. Again, on the question of deposit of two years' rent, there was an impression prevailing that in view of section 55 there was no need to deposit the rent. Under the Tenants and Ryots Protection Act a certain period is specified. That time has long ago expired and suits were being stayed by the mufassal courts. Recently the Madras High Court has held that the Tenants and Ryots Protection Act will operate in respect of certain suits and in those cases in which deposits have to be made the ryots cannot deposit the rent because the time is over. The result is that all these suits are re-opened and revived and are being proceeded with. Thus we have got a number of suits for eviction in the mufassal coming under these two categories, namely, those in which the ryots are holding under tenure-holders which take the complication of mortgages and those who have missed the bus (who have not made the deposit) on account of the wrong impression prevailing in the mufassal courts. The Government should take stock of this situation and not merely mechanically ask for extending the life of the Act by one year or two years. They should take into account the defects, patent and latent. I request the Hon. Minister to look into these matters which oppress the tenants on account of the lack of correct wording of the Tenants and Ryots Protection Act. These are matters of considerable importance. So long as the Malabar Tenancy Bill is being put off, I think the Tenants and Ryots Protection Act will have to be in force. So much so, the Tenants and Ryots Protection Act is a matter of live issue for the tenancy of Malabar. This must be the occasion when Government should review the question and rectify the defects which have been brought about in view of the decisions of the High Court. The slumbering process of mere extension is hardly inexplicable."

SRI G. LATCHANNA :—"May I know from the Hon. Minister whether this Act will cover questions relating to the inam ryots whose occupancy rights are under dispute in view of the large-scale evictions made by many inamdars under the plea of the recent judgment of the High Court Division Bench? Will this Act in any way protect their occupancy rights?"

*SRI R. KRISHNAN :—"Mr. Speaker, Sir, ഈ ബില്ല് ഒരു കൊല്ലത്തേക്കുകൂടി നീട്ടിവെക്കുവാൻ ബഹുമാനപ്പെട്ട മന്ത്രി കൊണ്ടുവന്നിട്ടുള്ള ഈ ഭേദഗതി സ്വാഗതാർഹമാണെങ്കിലും നിയമം നീട്ടിവെക്കുവാനുള്ള പരിതഃസ്ഥിതി സൃഷ്ടിച്ച ഗവൎമ്മെണ്ടിന്റെ നയത്തോടു യോജിക്കുവാൻ എനിക്ക് നിവൃത്തിയില്ല. ഇന്ന് ഒഴിപ്പിക്കൽ കേസ്സുകൾ സ്റ്റെ ചെയ്യുവാനുള്ളതാണ് ഈ ബില്ല്. കുറെ കേസ്സുകൾ സ്റ്റെ ചെയ്തിട്ടുണ്ടെന്നുള്ളത് വാസ്തവമാണ്. ബഹുമാനപ്പെട്ട മെമ്പർ മിസ്റ്റർ കൃഷ്ണ അയ്യർ പറഞ്ഞപോലെ ഇന്നു അനവധി കേസ്സുകൾ സ്റ്റെ ചെയ്യുകൊണ്ട് കോടതികളിൽ നിലവിലുണ്ട്. എന്നാൽ രണ്ടു കൊല്ലത്തെ പാട്ടബാക്കി കെട്ടിവെച്ചാൽ മാത്രമെ സ്റ്റെ ചെയ്യുവാൻ പാടുള്ളു എന്നുള്ളതുകൊണ്ടു അനവധി കുടിയാന്മാർ

പാട്ടബാക്കി കൊടുക്കുവാൻ കഴിയാത്ത കൃഷിസ്ഥലം ഒഴിഞ്ഞുകൊടുക്കേണ്ടതായി വരുന്നുണ്ട്. വിളയുണക്കംകൊണ്ടും വെള്ളപ്പൊക്കംകൊണ്ടും പാട്ടബാക്കി കൊടുക്കുവാൻ കഴിയാത്ത കൃഷിക്കാരെ ജന്മിമാർ പാട്ടബാക്കിക്ക് ഒഴിപ്പിക്കാൻ കേസ്സ് കൊടുത്ത് അവരുടെ ഭൂമികൾ കൈവശപ്പെടുത്തിയിരിക്കുന്നു. മാത്രമല്ല കൊടുത്ത പാട്ടത്തിന്നു തന്നെ ജന്മിമാർ രശീതി കൊടുക്കാതെ ഒഴിപ്പിക്കൽ കേസ്സുകൾ കൊടുത്തുകൊണ്ടിരിക്കുകയാണ്. അതുകൊണ്ട് ഈ ബില്ലിന്റെ കാലം, നീട്ടുന്നതോടൊപ്പംതന്നെ പാട്ടബാക്കി ഉണ്ടെങ്കിലും ഒഴിപ്പിക്കൽ കേസ്സുകൾ സ്റ്റേ ചെയ്യണം എന്ന ഭേദഗതി കൂടി ഇതിൽ ഉൾപ്പെടുത്തണം എന്നാണ് എനിക്ക് അഭിപ്രായപ്പെടുവാനുള്ളത്. ”

* SRI M. NARAYANA KURUP :—“ Mr. Speaker, Sir, the difficulties experienced by the Malabar tenants were brought to the notice of this House when the Hon. the Minister answered a question but through the supplementaries I could not make myself clear and therefore I take this opportunity of explaining it. Section 4 of the Madras Tenants and Ryots Protection Act has to be read in conjunction with Sections 54 and 55 of the Malabar Tenancy Act. If a suit is stayed under Section 4 of the Tenants and Ryots Protection Act, the tenant has to make an initial deposit of two years' rent or the arrears of rent whichever is less and he must further continue to deposit the future rent as and when it accrues due. Of course, under Section 4, a time-limit has been prescribed for such deposits. Section 54 of the Malabar Tenancy Act says that the Tenants and Ryots Protection Act shall continue in force unless it is repealed by a notification in the *Fort St. George Gazette*. Section 55 is very wide in scope. It says that all suits 11–10 a.m. shall stand stayed until the provisions of the Malabar Tenancy (Amendment) Act come into force. The courts have stayed generally all suits under section 55, including suits in which the tenants have to make a deposit under the Madras Tenants and Ryots Protection Act, 1949. The High Court has ruled that the courts have no jurisdiction to stay suits falling under the Madras Tenants and Ryots Protection Act and that the tenants must continue to deposit the rent. The tenants not depositing the rent was due to no fault of theirs. It was the courts that ordered the stay of the suits and therefore the deposit was not made. The time-limit fixed by section 4 has expired and straightaway the tenant has no remedy. When the Statute provides a time-limit, the discretion of the courts is fettered. It is a well known maxim that an act of court shall not prejudice anybody. Now the tenant is prejudiced because the courts have stayed suits and thereby prevented him from depositing the arrears of rent. This is a real difficulty for a large number of tenants. I hope the Government will take steps to give protection to the tenants. I believe that section 7 of the Madras Tenants and Ryots Protection Act can be availed of to remedy this difficulty, as it provides that if any difficulty arises in giving effect to the provisions of this Act, the State Government may do anything which appears to them necessary for the purpose of removing the difficulty.”

* SRI K. GOVINDA RAO :—“ Sir, I have no objection to the passing of this Bill. I want to have some clarification as to how the Madras Tenants and Ryots Protection Act is being implemented

in our parts. This Act came into force some time in 1949. In Visakhapatnam and Srikakulam districts, certain estates have been taken over and certain estates have yet to be taken over. I wish to be enlightened by the Hon. Minister as to how the tenants in the estates will be benefited by the operation of this Act. Certain inam villages have been declared as estates and some of them have yet to be acquired by the Government. I wish to know how the tenants in such estates will be benefited by the operation of this Act.''

* THE HON. SRI M. A. MANICKAVELU NAICKER :—'' Sir, the simple object of this Bill is to extend the life of the existing Act for one more year. The Act may have to be applied for four or five categories of estates—

(1) estates that have been notified and taken over, but in respect of which further action has been stayed by the High Court under the Estates Abolition Act:

(2) estates which have been notified but not yet taken over under the Estates Abolition Act due to stay orders of the High Court:

(3) estates that have not yet been notified at all;

(4) estates which became such by virtue of the Madras Estates Land (Amendment) Act, 1936; and

(5) other areas including Malabar.

With regard to Malabar, I realize the difficulties that were pointed out by the two hon. Members coming from that district. The land tenures are peculiar, the conditions are peculiar and everything is peculiar in Malabar, and it has to be treated in an altogether different manner. I want the help of the expert Members from Malabar in that matter. A Select Committee has been appointed and it is meeting next month. Whatever suggestions the hon. Members may make for framing the Bill on proper lines will be considered fully. That will be the proper occasion for considering and removing the difficulties of Malabar, and not the present occasion.''

MR. SPEAKER :—'' The question is—

'That the Madras Tenants and Ryots Protection (Amendment) Bill, 1953, be taken into consideration at once.' ''

The motion was put and carried.

Clauses 2 and 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU NAICKER :—'' Sir, I move—

'*That the Bill be passed into law.*' ''

MR. SPEAKER :—'' Motion moved—

'That the Madras Tenants and Ryots Protection (Amendment) Bill, 1953, be passed into law.' ''

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* SRI VAVILALA GOPALAKRISHNAIAH :—" Sir, I have the least objection to the passing of this Bill. There are several categories of estates as was pointed out by the Hon. Revenue Minister which will not come under the provisions of this Act. There is no sufficient protection for the tenants in the estates, and so the estates must be acquired by the Government as early as possible. The ryots in inam estates also do not have any protection and I request the Government to extend the provisions of this Act to the inam estates also. I appeal to the Hon. Minister to furnish us with information as to how many zamindaris will not come under the provisions of this Act, as then only we will be able to understand the Bill fully."

* SRI S. RAMALINGAM :—" Sir, the Madras Tenants and Ryots Protection Act was passed in 1949, and year after year since then the Government have come before this House for extending the life of the Act for one more year. I request the Government to take over all the estates, which yet remain to be taken over, before the end of this year. I hope that the Government will not come forward next year with a similar Bill."

* SRI PILLALAMARRI VENKATESWARLU :—" Mr. Speaker, Sir, I have no objection to the passage of this Bill. But when such Bills are brought forward, the Government do not care to supply all the relevant facts to the Members. The Hon. Revenue Minister himself has no idea as to how many estates have been acquired and how many yet remain to be acquired. The hon. Member Sri V. R. Krishna Ayyar pointed out that several difficulties were created by the courts also. Whenever such amending Bills are brought forward, we should be supplied with a review of the working of the parent Act. For want of such a review, we are under a serious handicap. Without furnishing any such information, an amending Bill is brought forward and we are asked to vote for it. Because the principle underlying the Bill is good and will do good to the tenant, we are supporting the Bill. But that does not mean that we are actually working the Act. In the course of working of this Act, many defects had been pointed out. Instead of rectifying those defects, the Hon. Minister has come forward for extending the life of that Act for one year. I ask the Government whether they have any definite idea as to when they will take over all the estates, and when they will have no need to come before this House for extending the life of the present Act. (Interruption.) Whatever may be the nature and scope of the Bill, let the Hon. Minister give us some information. Even without making a speech, the Hon. Minister wants us to accept the Bill. It is very wrong on the part of the Cabinet to come forward with a legislation like this. They must take legislation more seriously." 11-20 a.m.

* THE HON. SRI C. SUBRAMANIAM :—" If the Members take it seriously they will come prepared after having studied the

Bill. (Interruption.) That is quite a different matter altogether. I would request hon. Members to take it more seriously rather than advise us."

* Sri K. KRISHNA RAO :—" Sir, the Leader of the House was telling us that we should be prepared. Well, I may tell you that I addressed a letter to the Revenue Department about some of these Bills."

The Hon. Sri C. RAJAGOPALACHARI :—" Sir, the remark can never apply to Mr. Krishna Rao (laughter). He always comes prepared."

* Sri M. NARAYANA KURUP :—" Sir, the Government have not realised our difficulties. But they are asking us to wait. This cannot wait till the Malabar Tenancy Amending Bill becomes law, because it will be too late then. If tenants are evicted meanwhile, and properties are taken away, that will create more complications. That will necessitate more retrospective legislation. Therefore, as I understand it, it is a matter of immediacy. So, I would request him to look into the matter and not go in for the Select Committee or go in for another Bill; because it will then mean locking the stable after the horse is stolen."

* Sri K. KRISHNA RAO :—" Sir, in regard to all these Bills extending the period of the Acts and also in regard to many technical Bills, we do certainly need a note from the Hon. Minister concerned. Many of them are absolutely new, and the Government cannot expect Members here to know about a Port Trust or about a requisitioned ground or about a canal, or irrigation cess, etc. The Government must give us some material on the basis of which they should expect us to accept these Bills. I do not think it is the intention of the Leader of the House that we should be dumb automata simply to leave things or to say yes or no. We also are expected to be intelligent. We are expected to be educated on these lines. We are entitled to get information on these matters from the Government. Therefore, let him not think that there has been remissness on our part. We have done our job, and it is the job of our Government to furnish us with all the information before they introduce a Bill."

* Sri S. VEMIAH :—" Sir, I wish to point out that the Government are not taking keen interest in the matter of the taking over of all these estates and inams. This piecemeal attempt on the part of the Government creates dissatisfaction in the minds of the ryots and peasants in the estate villages. Therefore, my humble suggestion is that the Government should come forward and expedite the taking over of all these estates and do justice to the peasants."

* Sri K. GOVINDA RAO :—" Mr. Speaker, Sir, I want one more point to be clarified. The Hon. Minister told us that in cases where there were stay orders in regard to estates which were

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yet to be taken over, this Act would be in operation. But my point is that there are what are called 1936 inams which come under the purview of the Rent Reduction Act, but which have not yet been abolished. Perhaps the Government may complete their consideration and come forward with a Bill to abolish inams. This is a thing to be done later. But so far as we are concerned, what is the position of the tenant? I want to know what is the protection that the tenant will have under the provisions of the Tenants and Ryots Protection Act in those villages which are called 1936 inams but which are not abolished. I want a clear and categorical answer to my question.''

SRI V. R. KRISHNA AYYAR :—" Sir, I want to clarify a minor point. With all deference to the Hon. the Revenue Minister, I must say that there appears to be some confusion which is pardonable, because the Hon. the Revenue Minister thinks that everything about Malabar is peculiar, and, therefore, he does not care to go into the matter in all seriousness. The Tenants and Ryots Protection Act, which this Bill seeks to extend for another year, has stayed various suits without deposits. In view of the provisions in section 55 of the Malabar Tenancy Act, suits have been stayed even without deposits. Now, on account of the view taken by the High Court of Madras, all these cases are being re-opened, because deposit of rents has been made a condition precedent to the stay of the suit. The result is that several tenants are facing eviction suits. The Hon. the Revenue Minister stated that this matter might be taken up by the Select Committee. There is a confusion here in the understanding of the Ryots Protection Act and also of the Malabar Tenancy Act, and of the scope of the Bill. Directly when the Malabar Tenancy Act comes into force, the Ryots Protection Act would end in Malabar. The provisions of the Ryots Protection Act would automatically not be in operation when the Malabar Tenancy Amendment Bill becomes law. Therefore, the Amending Bill which is now before the select committee will not in the least affect the operation of the Ryots Protection Act now. The Ryots Protection Act will be in force only up to the time the Malabar Tenancy Amendment Bill becomes law. So, we are not to take the suggestions to be made in the Select Committee on the Malabar Tenancy Amendment Bill. That will hardly serve our purpose. We must have an immediate amendment to the Ryots Protection Act (so far as bona fide deposits are concerned) to the effect that even without insisting upon the condition of depositing two years' rent, eviction suits can be stayed. It will then be possible for tenants who are to be protected to stay on in their holdings without being bundled up before time.''

* SRI N. GOPALA MENON :—" Sir, I just want to say a few words to clarify the doubts that have been expressed by some hon. Members opposite. It is no doubt true that under the Tenants and Ryots Protection Act the tenant has got to deposit two years' rent if he wants to stay proceedings. But, unfortunately, the tenant thought that with the deposit of two years' rent, he could

continue to have the holding without making any further deposit or paying any further rent. The High Court recently clarified the position and said that the tenant had got periodically to make these deposits. If the provision in law has been misconstrued by the tenants, and it has been clarified by the High Court, the blame certainly cannot be attached to the legislation or to the Government. My friend Mr. Krishna Ayyar said that this had nothing to do with Malabar Tenancy Act, and the moment the Malabar Tenancy Amendment Act came into operation, the provisions in
11-30 a.m. the Tenants and Ryots Protection Act would not apply. But there are provisions in the Malabar Tenancy Act for restitution of lands out of which tenants had been unfortunately evicted. There must certainly be a provision for restitution of lands to those tenants who have been evicted unduly under misapprehension of law or for any other reason. Therefore, it cannot be said that there is no connection between the Malabar Tenancy (Amendment) Bill which is now under active consideration of this Government and this Bill. I only wanted to clarify this slight misapprehension.''

* SRI M. NARAYANA KURUP :—'' Sir, the hon. Member argued to mean that the tenants deposited two years' rent and then discontinued depositing future rent. That is not the case. The Court ordered stay without ordering any deposit. Therefore, it was not the fault of the tenant or misinterpretation or misapprehension of the law obtaining, but it was the Court that had caused this suffering.''

* THE HON. SRI M. A. MANICKAVELU NAICKER :—'' Sir. I may state at once that this Bill is not an Amending Bill but is only an Extension Bill. Therefore, we do not take stock of the working of the Act and make provisions if there are any defects found. As for the stay which requires two years' arrears of rent. I think it is but fair. I think the ryot himself will welcome it because if stay is given without payment of rent, afterwards he will find it very difficult to pay. I know, in many cases, ryots are prepared, when the money is available, to make deposits. So, deposit of two years' rent will be good both in the interests of the ryots and the landlords.

'' With regard to some expected difficulty arising out of the Malabar Tenancy Act, as my hon. Friend pointed out, there is ample provision in the Malabar Tenancy Bill for meeting that difficulty. Even if it happened that the ryots are deprived of the land, there is scope for restitution. Therefore, the hon. Member need not worry about that.

'' One of the hon. Members wanted to have some details. Sir, I have a rough idea of the estates taken over and not taken over. Only I do not have a correct idea so as to give the exact number. If I do not give the exact number, I will be found fault with. Therefore, I am afraid to give the number. I have a rough idea, not that I do not have.

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" Coming to the point of the hon. Member, Sri Venkateswarlu, he forgets that as a Member of the Opposition he is supposed to be a watchdog of the proceedings of this House. If he fails to act as the watchdog, why should I help him? It is not for me to wake up an Opposition Member. He must be alert and must do everything possible as a watchdog. I cannot help him in that respect."

MR. SPEAKER :—" The question is—

'That the Madras Tenants and Ryots Protection (Amendment) Bill, 1953, be passed into law.' "

The motion was put and carried and the Bill was passed into law.

(5) THE TUTICORIN PORT TRUST (APPLICATON TO MANGALORE) BILL, 1953.

* THE HON. SRI N. RANGA REDDI :— " Mr. Speaker, Sir, I beg to introduce the Tuticorin Port Trust (Application to Mangalore) Bill[a], 1953, and move—

'*That the Bill be taken into consideration at once.*'

" Sir, in moving this Bill, I would like to say a few words by way of explanation about the need for bringing in this Bill and about one or two important provisions of this Bill.

" So far as the need for the constitution of a Port Trust for Mangalore is concerned, I may submit that the National Harbour Board, in accordance with the recommendations of Sri Nanjundiah, Special Officer appointed to go into the question of survey and development of minor ports, has recommended that a Port Trust just on the lines of the Tuticorin Port Trust be constituted for Mangalore inasmuch as the minor port of Mangalore is second only to Tuticorin and is one of the important minor ports in the Madras State. I may submit, for the information of the hon. Members, that there are two kinds of ports in the Madras State, namely, major ports like Madras and Visakhapatnam which are under the administrative control of the Indian Union and minor ports which are under the management or control of the State. So far as this Bill is concerned, I may straightaway mention that there cannot be any dispute with regard to the principle, namely, that a Board of Trustees should be constituted for managing the minor port of Mangalore. At present, all the members are nominated under a Central Act. But, it is proposed under this new Bill that some sort of local autonomy should be given and that some representation should be given on this Board to the Mangalore Municipal Council and other trading interests in Mangalore. Therefore, I do not think that hon. Members would require an elaborate explanation as to the need for the constitution of this Board. I may also submit that the present Conservancy Board has not got very important powers. Their powers are very limited. But the Board that

[a] Published in the *Fort St. George Gazette*, dated 15th April 1953.